

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1928

1 WHEREAS, The Dinerstein Companies have submitted an application
2 designated as Special Permit No. 1928 for authority to develop Oak Creek Apartments
3 Community Unit Plan consisting of 157 dwelling units on property generally located south
4 of Charleston Street west of North 1st Street, and legally described to wit:

5 A part of Lot 82 I.T. in the Southeast Quarter of Section 15,
6 and a part of Lot 264 I.T., located in the Northeast Quarter of
7 Section 22, all located in Township 10 North, Range 6 East of
8 the 6th P.M., Lancaster County, Nebraska and being more
9 particularly described by metes and bounds as follows:

10 Referring to a found LCSM aluminum cap, being the North
11 Quarter corner of Section 22, Township 10 North, Range 6
12 East of the 6th P.M., Lancaster County, Nebraska; thence
13 north 89 degrees 14 minutes 00 seconds east (an assumed
14 bearing), and on the north line of the Northeast Quarter of said
15 Section 22, a distance of 463.87 feet to the southwest corner
16 of Lot 82 I.T., located in the Southeast Quarter of Section 15,
17 Township 10 North, Range 6 East of the 6th P.M., Lancaster
18 County, Nebraska and also said point is on the easterly right-
19 of-way line of the Union Pacific Railroad and the point of
20 beginning; thence north 47 degrees 10 minutes 43 seconds
21 west, and on the westerly line of Lot 82 I.T. of said Section 15
22 or the easterly right-of-way line of said Union Pacific Railroad,
23 a distance of 532.35 feet to a found 3/4" square pipe, being
24 the northwest corner of Lot 82 I.T. of said Section 15 and also
25 a point on a curve to the left; thence on a curve to the left and
26 on the northerly line of Lot 82 I.T. of said Section 15, having a
27 radius of 2989.79 feet, and a central angle of 04 degrees 35
28 minutes 04 seconds, with a chord bearing of north 75 degrees
29 57 minutes 29 seconds east, a chord distance of 239.17 feet
30 to a found 3/4" square pipe, being the point of non-tangency;
31 north 73 degrees 39 minutes 58 seconds east, and on the
32 northerly line of Lot 82 I.T. of said Section 15, a distance of
33 1417.61 feet to a found 3/4" square pipe, being the north-
34 northeast corner of Lot 82 I.T. of said Section 15 and also said

point is on the southerly right-of-way line of Charleston Street; thence south 61 degrees 30 minutes 40 seconds east, and on the northerly line of Lot 82 I.T. of said Section 15 or the southerly right-of-way line of said Charleston Street, a distance of 143.19 feet to a point on the northeasterly line of Lot 82 I.T. of said Section 15; thence south 28 degrees 29 minutes 20 seconds west, a distance of 440.30 feet; thence south 00 degrees 19 minutes 51 seconds west, a distance of 99.98 feet; thence south 90 degrees 00 minutes 00 seconds west, a distance of 208.95 feet; thence south 76 degrees 58 minutes 05 seconds west, a distance of 133.38 feet; thence south 15 degrees 03 minutes 52 seconds west, a distance of 281.91 feet; thence south 06 degrees 11 minutes 43 seconds west, a distance of 107.96 feet; thence south 00 degrees 00 minutes 00 seconds west, a distance of 90.89 feet; thence south 45 degrees 57 minutes 38 seconds east, a distance of 149.32 feet; thence south 00 degrees 19 minutes 51 seconds west, a distance of 339.00 feet to a point on the southeasterly line of Lot 264 I.T. of said Section 22 and also said point is on the easterly right-of-way line of said Union Pacific Railroad; thence north 46 degrees 57 minutes 39 seconds west, and on the westerly line of Lot 264 I.T. of said Section 22 or the easterly right-of-way line of said Union Pacific Railroad, a distance of 997.74 feet to a point, being the northwest corner of Lot 264 I.T. and on the north line of the Northeast Quarter of said Section 22 and also said point is on the south line of Lot 82 I.T. of said Section 15; thence south 89 degrees 14 minutes 00 seconds west, and on the north line of the Northeast Quarter of said Section 22 and the north right-of-way line of said Union Pacific Railroad or the south line of Lot 82 I.T. of said Section 15, a distance of 69.54 feet to the point of beginning and containing a calculated area of 968,063.26 square feet or 22.224 acres, more or less;

and also

A part of Lot 82 I.T., located in the Southeast Quarter of Section 15 and Lot 132 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM aluminum cap, being the North Quarter corner of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; thence

north 89 degrees 14 minutes 00 seconds east (an assumed bearing) and on the north line of the Northeast Quarter of said Section 22, a distance of 97.21 feet to a set 5/8" rebar, being the southwesterly corner of a part of Lot 82 I.T., located in the Southeast Quarter of Section 15 or the northwesterly corner of Lot 132 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and also said point is on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway and the point of beginning; thence north 34 degrees 56 minutes 54 seconds west, and on the westerly line of Lot 82 I.T. of said Section 15 or the easterly right-of-way line of said Burlington Northern and Santa Fe Railway, a distance of 488.65 feet to a set 5/8" rebar, being the northwesterly corner of part of Lot 82 I.T. of said Section 15 and said point is on the southerly right-of-way of Oak Creek and a point on a curve to the left; thence on a curve to the left and on the northerly line of a part of Lot 82 I.T. of said Section 15 or the southerly right-of-way line of said Oak Creek, having a radius of 2914.78 feet, and a central angle of 01 degrees 15 minutes 27 seconds, with a chord bearing of north 82 degrees 25 minutes 13 seconds east, a chord distance of 63.96 feet to a set 5/8" rebar, being the northeasterly corner of a part of Lot 82 I.T. of said Section 15 and also said point is on the westerly right-of-way line of Union Pacific Railway; thence south 47 degrees 10 minutes 43 seconds east, and on the easterly line of a part of Lot 82 I.T. of said Section 15 or the westerly right-of-way line of said Union Pacific Railway, a distance of 597.31 feet to a set 5/8" rebar, being a point on the north line of the Northeast Quarter and the southeasterly corner of a part of Lot 82 I.T. of said Section 15; thence south 89 degrees 14 minutes 00 seconds west, and on the north line of the Northeast Quarter of said Section 22 and the north right-of-way line of said Union Pacific Railway or the south line of a part of Lot 82 I.T. of said Section 15, a distance of 74.35 feet to a set 5/8" rebar, being the northeasterly corner of Lot 132 I.T. of said Section 22 and the westerly right-of-way line of said Union Pacific Railway; thence south 46 degrees 57 minutes 39 seconds east, and on the easterly line of Lot 132 I.T. of said Section 22 or the westerly right-of-way line of said Union Pacific Railway, a distance of 2251.73 feet to a set 5/8" rebar, being the southeasterly corner of Lot 132 I.T. of said Section 22; thence north 89 degrees 24 minutes 42 seconds west, and on the southerly line of Lot 132 I.T. of said Section 22, a distance of 659.15 feet to a set 5/8" rebar, being the southwesterly corner of Lot 132 I.T. of said Section 22 or a

1 point on the easterly right-of-way line of said Burlington
2 Northern and Santa Fe Railway and also on a curve to the
3 right; thence on a curve to the right and on the southwesterly
4 line of Lot 132 I.T. of said Section 22 or the easterly right-of-
5 way line of said Burlington Northern and Santa Fe Railway,
6 having a radius of 1046.23 feet, an arc length of 88.87 feet and
7 a central angle of 04 degrees 52 minutes 02 seconds, with a
8 chord bearing of north 37 degrees 35 minutes 16 seconds
9 west, a chord distance of 88.85 feet to a point of non-
10 tangency; thence south 55 degrees 03 minutes 32 seconds
11 west, and on the southeasterly line of Lot 132 I.T. of said
12 Section 22 or the northwesterly right-of-way line of said
13 Burlington Northern and Santa Fe Railway, a distance of 50.00
14 feet to a set 5/8" rebar, being the west-southwesterly corner of
15 Lot 132 I.T. of said Section 22; thence north 34 degrees 56
16 minutes 54 seconds west, and on the westerly line of Lot 132
17 I.T. of said Section 22 or the easterly right-of-way line of said
18 Burlington Northern and Santa Fe Railway, a distance of
19 1813.29 feet to the point of beginning and containing a
20 calculated area of 720,911.13 square feet or 16.550 acres,
21 more or less;

22 WHEREAS, the real property adjacent to the area included within the site
23 plan for this community unit plan will not be adversely affected; and

24 WHEREAS, said site plan together with the terms and conditions hereinafter
25 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
26 Code to promote the public health, safety, and general welfare.

27 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
28 Lincoln, Nebraska:

29 That the application of The Dinerstein Companies, hereinafter referred to as
30 "Permittee", to develop the Oak Creek Apartments Community Unit Plan consisting of 157
31 dwelling units, on the property legally described above, be and the same is hereby granted
32 under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal
33 Code upon condition that construction and operation of said community unit plan be in

1 strict compliance with said application, the site plan, and the following additional express
2 terms, conditions, and requirements:

3 1. This permit approves 157 dwelling units, 120 of which are dwellings
4 for non-related persons with 480 occupants and the following waivers:

5 a. The requirement of the Stormwater Drainage Design
6 Standards that stormwater retention/detention be provided on
7 site.

8 b. The requirement of Section 27.71.140 of the Lincoln Municipal
9 Code that 3-story buildings have a 40 foot separation from
10 each other.

11 c. The requirement of the Design Standards for Screening and
12 Landscaping that screening be provided for residential lots
13 back on public streets and railroads.

14 2. Before receiving building permits:

15 a. The Permittee must submit six copies of a revised and
16 reproducible final plan.

17 b. The construction plans must conform to the approved plans.

18 c. The water main in West Charleston Street must be in place.

19 d. Provide a meter pit acceptable to the Department of Public
20 Works & Utilities.

21 e. Either receive 404 approval from the Army Corps of Engineers
22 or provide a letter from the Corps indicating that no permit is
23 required.

1 3. Before occupying the dwelling units West Charleston Street must be
2 constructed in accordance with the City of Lincoln Design Standards.

3 4. Before occupying the dwelling units all development and construction
4 must be completed in conformance with the approved plans.

5 5. All privately-owned improvements must be permanently maintained
6 by the Permittee.

7 6. The site plan approved by this permit shall be the basis for all
8 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
9 elements, and similar matters.

10 7. The terms, conditions, and requirements of this resolution shall be
11 binding and obligatory upon the Permittee, its successors, and assigns. The building
12 official shall report violations to the City Council which may revoke the special permit or
13 take such other action as may be necessary to gain compliance.

14 8. The Permittee shall sign and return the City's letter of acceptance to
15 the City Clerk within 30 days following approval of the special permit, provided, however,
16 said 30-day period may be extended up to six months by administrative amendment. The
17 City Clerk shall file a copy of the resolution approving the special permit and the letter of
18 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
19 Permittee.

20 9. The Planning Director may extend the deadline to sign the letter of
21 acceptance by six months.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2001:

Mayor